

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

NO. 2:17-CV-4-FL

SAVE OUR SOUND OBX, INC.;
THOMAS ASCHMONEIT; RICHARD
AYELLA; DAVID HADLEY; MARK
HAINES; JER MEHTA; and GLENN
STEVENS,

Plaintiffs,

v.

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION; JAMES H.
TROGDON, III in his official capacity as
Secretary of the North Carolina
Department of Transportation; FEDERAL
HIGHWAY ADMINISTRATION; and
JOHN F. SULLIVAN, III, in his official
capacity as Division Administrator for the
Federal Highway Administration,

Defendants,

and

DEFENDERS OF WILDLIFE; and
NATIONAL WILDLIFE REFUGE
ASSOCIATION,


Intervenor-Defendants.

ORDER

This matter is before this court upon partial motions to dismiss, (DE 30, 45), filed by defendants North Carolina Department of Transportation and James H. Trogdon, III and intervenor-defendants Defenders of Wildlife and National Wildlife Refuge Association. The issues presented are ripe for ruling. Upon thorough consideration of the parties' arguments and for the reasons set

forth in memorandum opinion soon to follow, the motions are DENIED.

SO ORDERED, this the 30th day of August, 2017.



LOUISE W. FLANAGAN
United States District Judge